

AMENDED IN ASSEMBLY MARCH 20, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 542

Introduced by Assembly Member Holden

February 13, 2017

~~An act to amend Section 7.1 of the Civil Code, to amend Sections 37720, 45203, 79020, 79030, and 88203 of the Education Code, to amend Section 1100 of the Elections Code, to amend Sections 6700, 19853, and 19853.1 of the Government Code, and to amend Section 4692 of the Welfare and Institutions Code, relating to elections. An act to add and repeal Chapter 11.7 (commencing with Section 8865) of Division 1 of Title 2 of the Government Code, relating to the Route 66 Centennial Commission.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 542, as amended, Holden. ~~Presidential Election Day: state holiday. Route 66 Centennial Commission.~~

Existing law provides the Department of Transportation full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Existing law authorizes and directs the department to lay out and construct all state highways between the termini designated by law and on the locations as determined by the California Transportation Commission. Existing law authorizes the commission to select, adopt, and determine the location for state highways on routes authorized by law and to allocate, from available funds, moneys for the construction, improvement, or maintenance of the various highways or portions of those highways that are under the jurisdiction of the department.

This bill would require the department to establish, on or before January 1, 2021, the Route 66 Centennial Commission to work in conjunction with local and federal governmental entities to commemorate the 100th anniversary of California Historic State Route 66 and foster preservation projects.

This bill would make these provisions inoperative on July 1, 2027, and would repeal it as of January 1, 2028.

~~Existing law designates specific days as holidays in this state. Existing law designates holidays on which community colleges and public schools shall close. Existing law entitles state employees, with specified exceptions, to be given time off with pay for specified holidays. Existing law designates optional bank holidays.~~

~~This bill would add the day on which the presidential general election is held, which is the first Tuesday after the first Monday in November of each year that is evenly divisible by the number four, to these lists of holidays. This bill would require community colleges and public schools to close on any day on which a presidential general election is held. This bill would require that state employees, with specified exceptions, be given time off with pay for days on which a presidential general election is held.~~

~~By increasing the duties of local officials, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Chapter 11.7 (commencing with Section 8865)*
- 2 *is added to Division 1 of Title 2 of the Government Code, to read:*

CHAPTER 11.7. ROUTE 66 CENTENNIAL COMMISSION

8865. (a) On or before January 1, 2021, the Department of Transportation shall establish the Route 66 Centennial Commission to work in conjunction with local and federal governmental entities to commemorate the 100th anniversary of California Historic State Route 66 and foster preservation projects.

(b) This chapter shall become inoperative on July 1, 2027, and, as of January 1, 2028, is repealed.

SECTION 1. Section 7.1 of the Civil Code is amended to read:

7.1. ~~Optional bank holidays within the meaning of Section 9 are:~~

(a) ~~Any closing of a bank because of an extraordinary situation, as that term is defined in the Bank Extraordinary Situation Closing Act (Chapter 4.5 (commencing with Section 1090) of Division 1.1 of the Financial Code).~~

(b) ~~Every Saturday.~~

(c) ~~Every Sunday.~~

(d) ~~January 1.~~

(e) ~~The third Monday in January, known as “Dr. Martin Luther King, Jr. Day.”~~

(f) ~~February 12, known as “Lincoln Day.”~~

(g) ~~The third Monday in February.~~

(h) ~~The last Monday in May.~~

(i) ~~July 4.~~

(j) ~~The first Monday in September.~~

(k) ~~September 9, known as “Admission Day.”~~

(l) ~~The second Monday in October, known as “Columbus Day.”~~

(m) ~~The first Tuesday after the first Monday in November in any year that is evenly divisible by the number four, known as “Presidential Election Day.”~~

(n) ~~November 11, known as “Veteran’s Day.”~~

(o) ~~December 25.~~

(p) ~~Good Friday from 12 noon until closing.~~

(q) ~~The Thursday in November appointed as “Thanksgiving Day.”~~

(r) ~~Any Monday following any Sunday on which January 1, February 12, July 4, September 9, November 11, or December 25 falls.~~

~~(s) Any Friday preceding any Saturday on which July 4, September 9, or December 25 falls.~~

~~SEC. 2. Section 37220 of the Education Code is amended to read:~~

~~37220. (a) Except as otherwise provided, the public schools shall close on all of the following holidays:~~

~~(1) January 1.~~

~~(2) The third Monday in January or the Monday or Friday in the week in which January 15 occurs, known as "Dr. Martin Luther King, Jr. Day." On the Friday preceding the day on which schools are closed, schools shall include exercises commemorating and directing attention to the history of the civil rights movement in the United States and particularly the role therein of Dr. Martin Luther King, Jr.~~

~~(3) The Monday or Friday of the week in which February 12 occurs, known as "Lincoln Day." On the day that school is in session prior to the day on which schools are closed for that purpose, all public schools and educational institutions throughout the state shall hold exercises in memory of Abraham Lincoln.~~

~~(4) The third Monday in February, known as "Washington Day." On the Friday preceding, all public schools and educational institutions throughout the state shall hold exercises in memory of George Washington.~~

~~(5) The last Monday in May, known as "Memorial Day."~~

~~(6) July 4.~~

~~(7) The first Monday in September, known as "Labor Day."~~

~~(8) The first Tuesday after the first Monday in November in any year that is evenly divisible by the number four, known as "Presidential Election Day."~~

~~(9) November 11, known as "Veterans Day."~~

~~(10) That Thursday in November proclaimed by the President as "Thanksgiving Day."~~

~~(11) December 25.~~

~~(12) All days appointed by the Governor for a public fast, thanksgiving, or holiday, and all special or limited holidays on which the Governor provides that the schools shall close.~~

~~(13) All days appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.~~

~~(14) Any other day designated as a holiday by the governing board of the school district.~~

~~(b) When any of the holidays on which the schools would be closed falls on Sunday, the public schools shall close on the Monday following.~~

~~(c) When any of the holidays on which the schools would be closed falls on Saturday, the public schools shall close on the preceding Friday, and that Friday shall be declared a state holiday.~~

~~(d) If any holiday on which the public schools are required to close pursuant to subdivision (a) occurs under federal law on a date different from the date specified in subdivision (a), the governing board of any school district may close the public schools of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).~~

~~(e) Except for Veterans Day, as designated in paragraph (9) of subdivision (a), the governing board of a school district, by adoption of a resolution, may revise the date upon which the schools of the district close in observance of any of the holidays identified in subdivision (a).~~

~~(f) The governing board of a school district may not request a waiver of paragraph (9) of subdivision (a) from the state board.~~

~~(g) This section does not prohibit a school district from authorizing its facilities or grounds to be used in accordance with Section 38131 on those days on which the public schools are closed.~~

~~SEC. 3. Section 45203 of the Education Code is amended to read:~~

~~45203. (a) All probationary or permanent employees that are a part of the classified service shall be entitled to all of the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday:~~

~~(1) January 1.~~

~~(2) February 12, known as "Lincoln Day."~~

~~(3) The third Monday in February, known as "Washington Day."~~

~~(4) The last Monday in May, known as "Memorial Day."~~

~~(5) July 4.~~

~~(6) The first Monday in September, known as "Labor Day."~~

~~(7) The first Tuesday after the first Monday in November in any year that is evenly divisible by the number four, known as "Presidential Election Day."~~

~~(8) November 11, known as "Veterans Day."~~

1 ~~(9) That Thursday in November proclaimed by the President as~~
2 ~~“Thanksgiving Day.”~~

3 ~~(10) December 25.~~

4 ~~(11) Every day appointed by the President, or the Governor of~~
5 ~~this state, as provided for in paragraphs (12) and (13) of subdivision~~
6 ~~(a) of Section 37220 for a public fast, thanksgiving or holiday, or~~
7 ~~any day declared a holiday under Section 1318 or 37222 for~~
8 ~~classified or certificated employees.~~

9 ~~(b) School recesses during the Christmas, Easter, and~~
10 ~~mid-February periods shall not be considered holidays for classified~~
11 ~~employees who are normally required to work during that period.~~
12 ~~However, this shall not be construed as affecting vacation rights~~
13 ~~specified in this section.~~

14 ~~(c) Regular employees of the district who are not normally~~
15 ~~assigned to duty during the school holidays of December 25 and~~
16 ~~January 1 shall be paid for those two holidays provided that they~~
17 ~~were in a paid status during any portion of the working day of their~~
18 ~~normal assignment immediately preceding or succeeding the~~
19 ~~holiday period.~~

20 ~~(d) When a holiday listed in this section falls on a Sunday, the~~
21 ~~following Monday shall be deemed to be the holiday in lieu of the~~
22 ~~day observed. When a holiday listed in this section falls on a~~
23 ~~Saturday, the preceding Friday shall be deemed to be the holiday~~
24 ~~in lieu of the day observed. When a classified employee is required~~
25 ~~to work on any of these holidays, he or she shall be paid~~
26 ~~compensation, or given compensating time off, for such work, in~~
27 ~~addition to the regular pay received for the holiday, at the rate of~~
28 ~~time and one-half the employee's regular rate of pay.~~

29 ~~(e) The provisions of Article 3 (commencing with Section~~
30 ~~37220) of Chapter 2 of Part 22 shall not be construed to in any~~
31 ~~way limit the provisions of this section, nor shall anything in this~~
32 ~~section be construed to prohibit the governing board from adopting~~
33 ~~separate work schedules for the certificated and the classified~~
34 ~~services, or from providing holiday pay for employees who have~~
35 ~~not been in paid status on the days specified herein.~~
36 ~~Notwithstanding the adoption of separate work schedules for the~~
37 ~~certificated and the classified services, on any schoolday during~~
38 ~~which pupils would otherwise have been in attendance but are not~~
39 ~~and for which certificated personnel receive regular pay, classified~~

1 personnel shall also receive regular pay whether or not they are
2 required to report for duty that day.

3 (f) In addition to the other paid holidays specified in this section,
4 the classified service may be entitled to a paid holiday on March
5 31 known as "Cesar Chavez Day," and a paid holiday on the fourth
6 Friday in September known as "Native American Day," provided
7 they are in a paid status during any portion of the working day
8 immediately preceding or succeeding the holiday, if the governing
9 board, pursuant to a memorandum of understanding reached
10 pursuant to Chapter 10.7 (commencing with Section 3540) of
11 Division 4 of Title 1 of the Government Code, agrees to the paid
12 holiday.

13 (g) This section applies to districts that have adopted the merit
14 system in the same manner and effect as if it were a part of Article
15 6 (commencing with Section 45240).

16 SEC. 4. Section 79020 of the Education Code is amended to
17 read:

18 79020. Except as otherwise provided the community colleges
19 shall continue in session or close on specified holidays as follows:

20 (a) The community colleges shall close on all of the following
21 holidays:

22 (1) January 1.

23 (2) The third Monday in January, known as "Dr. Martin Luther
24 King, Jr. Day."

25 (3) February 12, known as "Lincoln Day."

26 (4) The third Monday in February, known as "Washington Day."

27 (5) The last Monday in May, known as "Memorial Day."

28 (6) July 4.

29 (7) The first Monday in September, known as "Labor Day."

30 (8) The first Tuesday after the first Monday in November in
31 any year that is evenly divisible by the number four, known as
32 "Presidential Election Day."

33 (9) November 11, known as "Veterans Day."

34 (10) That Thursday in November proclaimed by the President
35 as "Thanksgiving Day."

36 (11) December 25.

37 (b) Any contractual provision between any community college
38 district and its employees in effect on the effective date of the act
39 that adds this subdivision shall prevail over any conflict regarding
40 Dr. Martin Luther King, Jr. Day until the termination date of the

1 contract or upon termination by mutual agreement of the parties;
2 whichever occurs first.

3 ~~(e) The Governor in appointing any other day for a public fast,~~
4 ~~thanksgiving, or holiday may provide whether the community~~
5 ~~colleges shall close on the day. If the Governor does not provide~~
6 ~~whether the community colleges shall close, they shall continue~~
7 ~~in session on all special or limited holidays appointed by the~~
8 ~~Governor, but shall close on all other days appointed by the~~
9 ~~Governor for a public fast, thanksgiving, or holiday.~~

10 ~~(d) The community colleges shall close on every day appointed~~
11 ~~by the President as a public fast, thanksgiving, or holiday, unless~~
12 ~~it is a special or limited holiday.~~

13 ~~(e) The community colleges shall continue in session on all~~
14 ~~legal holidays other than those designated by or pursuant to this~~
15 ~~section, and shall hold proper exercises commemorating the day.~~

16 ~~(f) When any of the holidays on which the schools would be~~
17 ~~closed fall on Sunday, the community colleges shall close on the~~
18 ~~Monday following, except that (1) if Lincoln Day falls on a~~
19 ~~Sunday, the community colleges may observe this holiday on the~~
20 ~~preceding or following Friday, the following Monday, or the~~
21 ~~following Tuesday, and maintain classes on the date specified in~~
22 ~~subdivision (a) where applicable, or (2) if Lincoln Day falls on a~~
23 ~~Monday, the community colleges may observe this holiday on the~~
24 ~~preceding or following Friday, that Monday, or the following~~
25 ~~Tuesday, and maintain classes on the date specified in subdivision~~
26 ~~(a) where applicable.~~

27 ~~(g) When any of the holidays on which the schools would be~~
28 ~~closed, except Lincoln Day, fall on Saturday, the community~~
29 ~~colleges shall close on the preceding Friday, and that Friday shall~~
30 ~~be declared a state holiday.~~

31 ~~(h) If any holiday on which the community colleges are required~~
32 ~~to close pursuant to subdivision (a) occurs under federal law on a~~
33 ~~date different than the date specified in subdivision (a), the~~
34 ~~governing board of any community college district may close the~~
35 ~~community colleges of the district on the date recognized by federal~~
36 ~~law and maintain classes on the date specified in subdivision (a).~~

37 ~~(i) When Veterans Day would fall on Tuesday, the governing~~
38 ~~board of a community college district may close the colleges on~~
39 ~~the preceding Monday, and maintain classes on the date specified~~
40 ~~in subdivision (a). When Veterans Day would fall on Wednesday,~~

1 the governing board of a community college district may close the
2 colleges on either the preceding Monday or the following Friday,
3 and maintain classes on the date specified in subdivision (a). When
4 Veterans Day would fall on Thursday, the governing board of a
5 community college district may close the colleges on the following
6 Friday, and maintain classes on the date specified in subdivision
7 (a).

8 (j) ~~When Lincoln Day would fall on Tuesday, the governing~~
9 ~~board of a community college district may close the colleges on~~
10 ~~the preceding Monday, the preceding Friday, or the following~~
11 ~~Friday, and maintain classes on the date specified in subdivision~~
12 ~~(a) where appropriate. When Lincoln Day would fall on~~
13 ~~Wednesday, the governing board of a community college district~~
14 ~~may close the colleges on the preceding Monday, the preceding~~
15 ~~Friday, or the following Friday, and maintain classes on the date~~
16 ~~specified in subdivision (a). When Lincoln Day would fall on~~
17 ~~Thursday, the governing board of a community college district~~
18 ~~may close the colleges on the preceding Friday or the following~~
19 ~~Friday, and maintain classes on the date specified in subdivision~~
20 ~~(a). When Lincoln Day falls on Saturday, the governing board of~~
21 ~~a community college district may close the colleges on the~~
22 ~~preceding Friday or the following Friday, and maintain classes on~~
23 ~~the date specified in subdivision (a) where appropriate.~~

24 (k) ~~In addition to the holidays specified in subdivision (a), a~~
25 ~~community college may close on March 31 known as “Cesar~~
26 ~~Chavez Day” if the governing board, pursuant to a memorandum~~
27 ~~of understanding reached pursuant to Chapter 10.7 (commencing~~
28 ~~with Section 3540) of Division 4 of Title 1 of the Government~~
29 ~~Code, agrees to close the community college for that purpose.~~

30 (l) ~~In addition to the holidays specified in subdivision (a), a~~
31 ~~community college may close on the fourth Friday in September~~
32 ~~known as “Native American Day” if the governing board, pursuant~~
33 ~~to a memorandum of understanding reached pursuant to Chapter~~
34 ~~10.7 (commencing with Section 3540) of Division 4 of Title 1 of~~
35 ~~the Government Code, agrees to close the community college for~~
36 ~~that purpose.~~

37 (m) ~~This section shall not be interpreted as authorizing a~~
38 ~~community college district governing board to maintain community~~
39 ~~colleges in its district for a lesser number of days during the college~~
40 ~~year than the minimum established by law.~~

1 ~~SEC. 5. Section 79030 of the Education Code is amended to~~
2 ~~read:~~

3 ~~79030. Whenever climatic conditions of a community college~~
4 ~~district are such as to render it necessary that the colleges be closed~~
5 ~~as early in the year as possible or opened as late in the year as~~
6 ~~possible, the governing board of the community college district~~
7 ~~may maintain classes on any days other than the 25th day of~~
8 ~~December, the first day of January, the fourth day of July, the first~~
9 ~~Tuesday after the first Monday in November in any year that is~~
10 ~~evenly divisible by the number four, and any day appointed by the~~
11 ~~President or the Governor for a public thanksgiving.~~

12 ~~When classes are maintained on holidays pursuant to this section,~~
13 ~~proper exercises shall be held commemorating the day.~~

14 ~~SEC. 6. Section 88203 of the Education Code is amended to~~
15 ~~read:~~

16 ~~88203. (a) All probationary or permanent employees who are~~
17 ~~part of the classified service shall be entitled to the following paid~~
18 ~~holidays if they are in a paid status during any portion of the~~
19 ~~working day immediately preceding or succeeding the holiday:~~

- 20 ~~(1) January 1.~~
21 ~~(2) February 12, known as "Lincoln Day."~~
22 ~~(3) The third Monday in February, known as "Washington Day."~~
23 ~~(4) The last Monday in May, known as "Memorial Day."~~
24 ~~(5) July 4.~~
25 ~~(6) The first Monday in September, known as "Labor Day."~~
26 ~~(7) The first Tuesday after the first Monday in November in~~
27 ~~any year that is evenly divisible by the number four, known as~~
28 ~~"Presidential Election Day."~~
29 ~~(8) November 11, known as "Veterans Day."~~
30 ~~(9) That Thursday in November proclaimed by the President as~~
31 ~~"Thanksgiving Day."~~
32 ~~(10) December 25.~~

33 ~~(11) Every day appointed by the President, or the Governor of~~
34 ~~this state, as provided for in subdivisions (c) and (d) of Section~~
35 ~~79020 for a public fast, thanksgiving or holiday, or any day~~
36 ~~declared a holiday under Section 1318 for classified or academic~~
37 ~~employees.~~

38 ~~(b) College recesses during the Christmas and Easter periods~~
39 ~~shall not be considered holidays for classified employees who are~~
40 ~~normally required to work during that period, provided, however,~~

1 that this shall not be construed as affecting vacation rights specified
2 in this section.

3 ~~(e) Regular employees of the district who are not normally~~
4 ~~assigned to duty during the college holidays of December 25 and~~
5 ~~January 1 shall be paid for those two holidays if they were in a~~
6 ~~paid status during any portion of the working day of their normal~~
7 ~~assignment immediately preceding or succeeding the holiday~~
8 ~~period.~~

9 ~~(d) When a holiday herein listed falls on a Sunday, the following~~
10 ~~Monday shall be deemed to be the holiday in lieu of the day~~
11 ~~observed. When a holiday herein listed falls on a Saturday, the~~
12 ~~preceding Friday shall be deemed to be the holiday in lieu of the~~
13 ~~day observed. When a classified employee is required to work on~~
14 ~~any of those holidays, he or she shall be paid compensation, or~~
15 ~~given compensating time off, for that work, in addition to the~~
16 ~~regular pay received for the holiday, at the rate of time and one-half~~
17 ~~his or her regular rate of pay.~~

18 ~~(e) Article 3 (commencing with Section 79020) of Chapter 8 of~~
19 ~~Part 48 shall not be construed to in any way limit this section, nor~~
20 ~~shall anything in this section be construed to prohibit the governing~~
21 ~~board from adopting separate work schedules for the academic~~
22 ~~and the classified services, or from providing holiday pay for~~
23 ~~employees who have not been in paid status on the days specified~~
24 ~~herein. Notwithstanding the adoption of separate work schedules~~
25 ~~for the academic and the classified services, on any schoolday~~
26 ~~during which students would otherwise have been in attendance,~~
27 ~~but are not and for which faculty receive regular pay, classified~~
28 ~~personnel shall also receive regular pay whether or not they are~~
29 ~~required to report for duty that day.~~

30 ~~(f) In addition to the other paid holidays specified in this section,~~
31 ~~the classified service may be entitled to a paid holiday on March~~
32 ~~31 known as "Cesar Chavez Day" and a paid holiday on the fourth~~
33 ~~Friday in September known as "Native American Day," if they~~
34 ~~are in a paid status during any portion of the working day~~
35 ~~immediately preceding or succeeding the holiday, if the governing~~
36 ~~board, pursuant to a memorandum of understanding reached~~
37 ~~pursuant to Chapter 10.7 (commencing with Section 3540) of~~
38 ~~Division 4 of Title 1 of the Government Code, agrees to the paid~~
39 ~~holiday.~~

~~(g) This section applies to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).~~

~~SEC. 7. Section 1100 of the Elections Code is amended to read:~~

~~1100. An election shall not be held on any day other than a Tuesday and shall not be held on the day before, the day of, or the day after, a state holiday, except for Presidential Election Day as described in paragraph (13) of subdivision (a) of Section 6700 of the Government Code.~~

~~SEC. 8. Section 6700 of the Government Code is amended to read:~~

~~6700. (a) The holidays in this state all of the following:~~

~~(1) Every Sunday.~~

~~(2) January 1.~~

~~(3) The third Monday in January, known as "Dr. Martin Luther King, Jr. Day."~~

~~(4) February 12, known as "Lincoln Day."~~

~~(5) The third Monday in February.~~

~~(6) March 31, known as "Cesar Chavez Day."~~

~~(7) The last Monday in May.~~

~~(8) July 4.~~

~~(9) The first Monday in September.~~

~~(10) September 9, known as "Admission Day."~~

~~(11) The fourth Friday in September, known as "Native American Day."~~

~~(12) The second Monday in October, known as "Columbus Day."~~

~~(13) The first Tuesday after the first Monday in November in any year that is evenly divisible by the number four, known as "Presidential Election Day."~~

~~(14) November 11, known as "Veterans Day."~~

~~(15) December 25.~~

~~(16) Good Friday from 12 p.m. to 3 p.m.~~

~~(17) (A) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.~~

~~(B) Except for the Thursday in November appointed as Thanksgiving Day, this paragraph and paragraphs (3) and (6) shall not apply to a city, county, or district unless made applicable by charter, or by ordinance or resolution of the governing body thereof.~~

1 ~~(b) If the provisions of this section are in conflict with the~~
2 ~~provisions of a memorandum of understanding reached pursuant~~
3 ~~to Chapter 12 (commencing with Section 3560) of Division 4 of~~
4 ~~Title 1, the memorandum of understanding shall be controlling~~
5 ~~without further legislative action, except that if those provisions~~
6 ~~of a memorandum of understanding require the expenditure of~~
7 ~~funds, the provisions shall not become effective unless approved~~
8 ~~by the Legislature in the annual Budget Act.~~

9 ~~SEC. 9. Section 19853 of the Government Code is amended~~
10 ~~to read:~~

11 ~~19853. (a) All state employees shall be entitled to the following~~
12 ~~holidays:~~

13 ~~(1) January 1.~~

14 ~~(2) The third Monday in January.~~

15 ~~(3) The third Monday in February.~~

16 ~~(4) March 31.~~

17 ~~(5) The last Monday in May.~~

18 ~~(6) July 4.~~

19 ~~(7) The first Monday in September.~~

20 ~~(8) The first Tuesday after the first Monday in November in~~
21 ~~any year that is evenly divisible by the number four.~~

22 ~~(9) November 11.~~

23 ~~(10) Thanksgiving Day.~~

24 ~~(11) The day after Thanksgiving.~~

25 ~~(12) December 25.~~

26 ~~(13) The day chosen by an employee pursuant to Section 19854,~~
27 ~~and every day appointed by the Governor of this state for a public~~
28 ~~fast, thanksgiving, or holiday.~~

29 ~~(b) If a day listed in subdivision (a) falls on a Sunday, the~~
30 ~~following Monday shall be deemed to be the holiday in lieu of the~~
31 ~~day observed. If November 11 falls upon a Saturday, the preceding~~
32 ~~Friday shall be deemed to be the holiday in lieu of the day~~
33 ~~observed.~~

34 ~~(c) Any state employee who may be required to work on any~~
35 ~~of the holidays included in this section, and who does work on any~~
36 ~~of these holidays, shall be entitled to receive straight-time pay and~~
37 ~~eight hours of holiday credit.~~

38 ~~(d) For the purpose of computing the number of hours worked,~~
39 ~~time when an employee is excused from work because of holidays,~~
40 ~~sick leave, vacation, annual leave, compensating time off, or any~~

1 other leave shall not be considered as time worked by the employee
2 for the purpose of computing cash compensation for overtime or
3 compensating time off for overtime.

4 (e) Any state employee, as defined in subdivision (e) of Section
5 3513, may elect to receive eight hours of holiday credit for the
6 fourth Friday in September, known as "Native American Day," in
7 lieu of receiving eight hours of personal holiday credit in
8 accordance with Section 19854.

9 (f) Persons employed on less than a full-time basis shall receive
10 holidays in accordance with the Department of Human Resources
11 rules.

12 (g) If subdivision (a), (e), or (d) is in conflict with the provisions
13 of a memorandum of understanding executed or amended pursuant
14 to Section 3517.5 on or after February 1, 2009, or the date that the
15 act adding this section takes effect, whichever is later, the
16 memorandum of understanding shall be controlling without further
17 legislative action, except that if those provisions of the
18 memorandum of understanding require the expenditure of funds,
19 the provisions shall not become effective unless approved by the
20 Legislature in the annual Budget Act.

21 SEC. 10. Section 19853.1 of the Government Code is amended
22 to read:

23 19853.1. (a) Notwithstanding Section 19853, this section shall
24 apply to state employees in State Bargaining Unit 5.

25 (b) Except as provided in subdivision (e), all employees shall
26 be entitled to all of the following holidays:

27 (1) January 1.

28 (2) The third Monday in January.

29 (3) The third Monday in February.

30 (4) March 31.

31 (5) The last Monday in May.

32 (6) July 4.

33 (7) The first Monday in September.

34 (8) The first Tuesday after the first Monday in November in
35 any year that is evenly divisible by the number four.

36 (9) November 11.

37 (10) The day after Thanksgiving.

38 (11) December 25.

39 (12) Every day appointed by the Governor of this state for a
40 public fast, thanksgiving, or holiday.

1 If a day listed in this subdivision falls on a Sunday, the following
2 Monday shall be deemed to be the holiday in lieu of the day
3 observed. If November 11 falls upon a Saturday, the preceeding
4 Friday shall be deemed to be the holiday in lieu of the day
5 observed. Any employee who may be required to work on any of
6 the holidays included in this section and who does work on any
7 of these holidays shall be entitled to be paid compensation or given
8 compensating time off for that work in accordance with his or her
9 classification's assigned workweek group.

10 (e) If the provisions of subdivision (b) are in conflict with the
11 provisions of a memorandum of understanding reached pursuant
12 to Section 3517.5, the memorandum of understanding shall be
13 controlling without further legislative action, except that if the
14 provisions of a memorandum of understanding require the
15 expenditure of funds, the provisions shall not become effective
16 unless approved by the Legislature in the annual Budget Act.

17 (d) (1) Any employee who either is excluded from the definition
18 of state employee in subdivision (c) of Section 3513, or is a
19 nonelected officer or employee of the executive branch of
20 government who is not a member of the civil service, is entitled
21 to all of the following holidays, with pay, in addition to any official
22 state holiday appointed by the Governor:

- 23 (A) January 1.
- 24 (B) The third Monday in January.
- 25 (C) The third Monday in February.
- 26 (D) March 31.
- 27 (E) The last Monday in May.
- 28 (F) July 4.
- 29 (G) The first Monday in September.
- 30 (H) The first Tuesday after the first Monday in November in
31 any year that is evenly divisible by the number four.
- 32 (I) November 11.
- 33 (J) Thanksgiving Day.
- 34 (K) The day after Thanksgiving.
- 35 (L) December 25.

36 (2) When November 11 falls on a Saturday, employees shall be
37 entitled to the preceeding Friday as a holiday with pay.

38 (3) When a holiday, other than a personal holiday, falls on a
39 Saturday, an employee shall, regardless of whether he or she works
40 on the holiday, accrue only an additional eight hours of personal

1 holiday credit per fiscal year for the holiday. The holiday credit
2 shall be accrued on the actual date of the holiday and shall be used
3 within the same fiscal year.

4 (4) ~~When a holiday other than a personal holiday falls on~~
5 ~~Sunday, employees shall be entitled to the following Monday as~~
6 ~~a holiday with pay.~~

7 (5) ~~Employees who are required to work on a holiday shall be~~
8 ~~entitled to pay or compensating time off for this work in accordance~~
9 ~~with their classification's assigned workweek group.~~

10 (6) ~~Persons employed on less than a full-time basis shall receive~~
11 ~~holidays in accordance with the Department of Human Resources~~
12 ~~rules.~~

13 (e) ~~Any employee, as defined in subdivision (c) of Section 3513,~~
14 ~~may elect to use eight hours of vacation, annual leave, or~~
15 ~~compensating time off consistent with departmental operational~~
16 ~~needs and collective bargaining agreements for the fourth Friday~~
17 ~~in September, known as "Native American Day."~~

18 (f) ~~This section shall become effective with regard to the March~~
19 ~~31 holiday only when the Department of Human Resources notifies~~
20 ~~the Legislature that the language contained in this section has been~~
21 ~~agreed to by all exclusive representatives, and the Department of~~
22 ~~Human Resources authorizes this holiday to be applied to~~
23 ~~employees designated as excluded from the Ralph C. Dills Act~~
24 ~~(Chapter 10.3 (commencing with Section 3512), Division 4, Title~~
25 ~~1), and the necessary statutes are amended to reflect this change.~~

26 SEC. 11. ~~Section 4692 of the Welfare and Institutions Code is~~
27 ~~amended to read:~~

28 4692. (a) ~~Effective August 1, 2009, subject to subdivisions~~
29 ~~(c) and (e), regional centers shall not compensate a work activity~~
30 ~~program, activity center, adult development center, behavior~~
31 ~~management program, social recreation program, adaptive skills~~
32 ~~trainer, infant development program, program support group (day~~
33 ~~service), socialization training program, client/parent support~~
34 ~~behavior intervention training program, community integration~~
35 ~~training program, community activities support service, or creative~~
36 ~~arts program, as defined in Title 17 of the California Code of~~
37 ~~Regulations, for providing any service to a consumer on any of~~
38 ~~the following holidays:~~

39 (1) ~~January 1.~~

40 (2) ~~The third Monday in January.~~

1 ~~(3) The third Monday in February.~~
2 ~~(4) March 31.~~
3 ~~(5) The last Monday in May.~~
4 ~~(6) July 4.~~
5 ~~(7) The first Monday in September.~~
6 ~~(8) The first Tuesday after the first Monday in November in~~
7 ~~any year that is evenly divisible by the number four.~~
8 ~~(9) November 11.~~
9 ~~(10) Thanksgiving Day.~~
10 ~~(11) December 25.~~
11 ~~(12) The four business days between December 25 and January~~
12 ~~1.~~
13 ~~(b) Effective August 1, 2009, subject to subdivisions (c) and~~
14 ~~(c), regional centers shall not compensate a transportation~~
15 ~~vendor/family member, transportation company,~~
16 ~~transportation/additional component vendor, transportation broker,~~
17 ~~transportation assistant/vendor, transportation vendor/auto driver,~~
18 ~~or transportation vendor/public or rental car agency or taxi, in~~
19 ~~accordance with Title 17 of the California Code of Regulations,~~
20 ~~for transporting any consumer to receive services from any of the~~
21 ~~vendors specified in subdivision (a) for any of the holidays set~~
22 ~~forth in paragraphs (1) to (12), inclusive, of subdivision (a).~~
23 ~~(c) If a holiday listed in this section falls on a Saturday or a~~
24 ~~Sunday, the following Monday shall be deemed to be the holiday~~
25 ~~in lieu of the day observed.~~
26 ~~(d) Contracts between the vendors described in this section and~~
27 ~~regional centers shall reflect the holiday closures set forth in this~~
28 ~~section and shall be renegotiated accordingly, as necessary.~~
29 ~~(e) The department may adjust the holidays set forth in~~
30 ~~subdivision (a) through a program directive. This directive shall~~
31 ~~be provided to the regional centers and posted on the department's~~
32 ~~Internet Web site at least 60 days prior to the effective date of the~~
33 ~~change in holiday.~~
34 ~~SEC. 12. If the Commission on State Mandates determines~~
35 ~~that this act contains costs mandated by the state, reimbursement~~
36 ~~to local agencies and school districts for those costs shall be made~~
37 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
38 ~~4 of Title 2 of the Government Code.~~

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